

The Appeals Board finds that claimant has established she has carpal tunnel syndrome that was either caused or aggravated by her work activities for respondent. The Board so finds on the basis of claimant's testimony associating the onset of symptoms with her work operating a drill and the report of Lynn D. Ketchum, M.D.

The Appeals Board also finds that claimant had just cause for not giving notice within ten days from the date of accident. The record in this case makes it difficult to determine the precise date of accident. Claimant began experiencing numbness in her hands in approximately mid-April 1997. Claimant was treating with her family physician for problems with her shoulder and first mentioned the problems with her hands to this physician April 23, 1997. Respondent asserts that claimant missed time from work shortly after this and suggests that April 23, 1997, should be treated as the date of accident. The record is not clear, however, that claimant missed work because of the injuries. Although claimant testified that the condition worsened after she first noticed the symptoms, the testimony falls short of proving that the condition worsened up through the last day of work on May 16, 1997.

The parties agreed that respondent's first notice of this claim was on June 4, 1997. Claimant testified that she did not give earlier notice because she thought the condition would go away. Claimant also testified that she was not aware of any obligation to report an injury within ten days. When the symptoms did not go away, she was advised that the condition may be work-related carpal tunnel syndrome. Claimant then immediately notified respondent of the claim. Based upon these factors, the Board finds claimant had just cause for failing to give earlier notice.

**WHEREFORE**, the Appeals Board finds that the order by Administrative Law Judge Robert H. Foerschler dated December 22, 1997, should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of March 1998.

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BOARD MEMBER

c: John G. O'Connor, Kansas City, KS  
D'Ambra M. Howard, Overland Park, KS  
Robert H. Foerschler, Administrative Law Judge  
Philip S. Harness, Director